

REMARKS

The Office Action mailed July 9, 2003 and reference cited therein has been reviewed. In an effort to place the claims in allowable form, Applicant has, by this amendment, canceled claims 1-40 and added new claims 51-86.

The Examiner rejected claims 1, 11, 18, 25, 33 and 40 under 35 U.S.C. §102(b) as being anticipated by Cook 5,916,585. The Examiner also rejected claims 2-10, 12-17, 19-24, 26-32 and 34-39 under 35 U.S.C. §103(a) as being obvious over Cook 5,916,585.

THE INVENTION

The present invention discloses an improved coating compound for securing a biological agent to an expandable intraluminal graft and a method of making the same. Irradiation of the coating is used to form cross-linking of the coating to at least partially entrap one or more biological agents in the coating. Irradiation is also or alternatively used to cause a salt complex to form between the biological agent and the coating compound. In either case, irradiation resulting in the coating compound at least partially delays the release of the biological agent into a body cavity. The coating compound typically includes a polymer and/or copolymer. The coating compound can include hydrophobic and/or hydrophilic compounds. The biological agent can include one or more different compounds. One unique combination of biological agents is the use of Trapidal and GM-CSF.

THE SECTION 102 AND 103 REJECTIONS

Rejection of claims 1-40 under 35 U.S.C. §102 or §103 is moot in view of the cancellation of claim 1-40. Applicant has added new claims 51-86. Applicant submits that the new claims are patentably distinct over Cook 5,916,585.

Cook 5,916,585 discloses a porous hydrophobic biodegradable support member that is cross-linked to a hydrophilic compound. Cook 5,916,585 discloses several possible reagents to cause the cross-linking (Col. 1, ln. 50 - Col. 12, ln. 10); however, Cook only discloses the use of ethylene glycolbis-[succinimidylsuccinate] as a compound that can form the disclosed cross-linking.

The claims of the present invention are directed to expandable intraluminal graft that is at least partially coated with an intermediate compound that has a plurality of radiation induced cross-links and which at least partially encapsulate a biological agent in the intermediate compound. The claims of the present invention are also directed to expandable intraluminal graft that includes Trapidil and/or GM-CSF as a biological agent in the intermediate compound. There is no teaching of either of these concepts in Cook 5,916,585.

Applicant submits that the claims pending in the above-identified patent application are allowable over Cook 5,916,585 and a notice to such effect is earnestly solicited.

Respectfully submitted,
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